

**DISTRICT JUDGE'S MINUTES  
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA – PHOENIX**

**U.S. District Judge: Douglas L. Rayes**

**Date:** January 27, 2023

**USA v. David Allen Harbour**

**Case Number: CR-19-00898-001-PHX-DLR**

**Assistant U.S. Attorney: Kevin Rapp and Coleen Schoch**

**Attorney for Defendant: Steve Dichter and Justin Vanderveer (Retained)**

**Interpreter: N/A**

**Defendant:** ☒ Present ☐ Not Present ☐ Released ☒ Custody ☐ Summons

**STATUS CONFERENCE**

1:31 p.m. Convene. Pending motions are ruled on as follows:

Defendant's Motion to Determine the Admissibility of 404(b) Evidence (Doc. 533) is DENIED.

Defendant's Motion to Dismiss Counts 1 and 13-19 (Doc. 542) is DENIED without prejudice.

Defendant's Motion in Limine #8 to Exclude Evidence and Testimony Related to Emotional Harms Suffered By Alleged Victims (Doc. 493) is DENIED.

Defendant's Motion in Limine #9 to Exclude Evidence and Testimony Related to Defendant's Sexual Relationships, Conduct or Communications Related to Sex (Doc. 494) is GRANTED.

Discussion held regarding Defendant's waiver of a jury trial as to Counts 24-26. The Court finds that the Defendant is competent to waive a jury trial and has knowingly and voluntarily waived his right to a jury trial for Counts 24-26. The Defendant and Defense counsel review and sign a Waiver of Jury Trial form in open court.

Additional trial procedures are discussed. The Court informs the parties that it intends to seat fourteen (14) jurors for trial, including two (2) alternates.

A Status Conference re: Defendant's Motion to Modify Conditions of Release/Reduce Bond (Doc. 535) is set for January 30, 2023, at 11:30 a.m. IT IS ORDERED that the Defendant be transported bag and baggage to this hearing for possible release.

2:41 p.m. Court is adjourned.

**Court Reporter Jennifer Pancratz**

**Deputy Clerk Robert Vasquez**

**FPTC 1 hr, 10 min**

**Start: 1:31 PM**

**Stop: 2:41 PM**